

MINUTES
FINANCE COMMITTEE MEETING
6:30 P.M., JUNE 5, 2023
AV ROOM #308, CITY HALL

Joseph Jenkins, Chairperson, called the meeting of the Charleston City Council Committee on Finance to order at 6:15 p.m., June 5, 2023.

A silent roll was taken by the Clerk and a quorum was established. The following committee members were present:

Joseph Jenkins, Chair
Becky Ceperley
Larry Moore
Chad Robinson
Shawn Taylor

Absent:

Brent Burton, Vice Chair
Mary Beth Hoover

Other Councilmembers present:

Emmett Pepper
Frank Annie
Joe Solomon
Beth Kerns
Chelsea Steelhammer

I. DISCUSSION:

a. Approval of Previous Minutes - Councilmember Taylor asked for unanimous consent to dispense with the reading of the minutes for the May 15, 2023 meeting and that they be approved as distributed. There were no objections, and the minutes were approved.

II. RESOLUTIONS:

- a. Resolution No. 811-23 – Authorizing the Mayor or City Manager to enter into a contract with Mountwest Community and Technical College in the amount of \$108,000 to provide four semesters of paramedic training courses for 18 members of the Charleston Fire Department.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into a contract with Mountwest Community and Technical College in the amount of \$108,000 to provide four semesters of paramedic training courses for 18 members of the Charleston Fire Department.

City Manager, Ben Mishoe, added that 18 firefighters will be starting the paramedic training.

Councilmember Jenkins confirmed that every firefighter is eventually trained as paramedic.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 811-23 approved.

- b. Resolution No. 812-23 – Authorizing the Mayor or City Manager to submit an application to the West Virginia Division of Highways for a Transportation Alternatives Program grant in the total amount of \$862,516 that includes the required 20% cash match of \$172,503 if awarded. The City will utilize these funds for the Elk River Trail Project.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is hereby authorized to submit an application to the West Virginia Division of Highways for a Transportation Alternatives Program grant in the total amount of \$862,516 that includes the required 20% cash match of \$172,503 if awarded.

Mishoe added that the City did not receive this grant last year. It requires a 20% match if awarded. The grant will be for a project that will connect the trail along the Kanawha River to the Convention Center Complex.

Councilmember Jenkins asked if the trail would possibly go beyond the Convention Center. Mishoe replied that while the grant was not for that, but the ultimate goal would be to extend the trail farther.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 812-23 approved.

- c. Resolution No. 813-23 – Authorizing the Mayor or City Manager to purchase One Hundred and Seventy-Four (174) Glock 17 Gen5 MOS handguns for the Police Department from AmChar Wholesale, Inc., with customized engraving commemorating the 150th anniversary of the Charleston Police Department, for a total cost of \$42,136 after trade-in of 174 existing duty weapons, where the funds come from a gift devised to the Charleston Police Department from the Estate of Norma Shuck Levy in memory of her father, former Charleston police officer Edgar N. Shuck. This is a direct purchase authorization pursuant to section 2-486 of the Municipal Code due to AmChar being one of only two Glock authorized law enforcement distributors in the State of West Virginia, which ensures the lowest possible price per unit, and due to AmChar providing specialized and high-quality custom engraving that is difficult or impossible to bid.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized pursuant to section 2-486 of the Municipal Code to direct purchase One Hundred and Seventy-Four (174) Glock 17 Gen5 MOS handguns for the Police Department from AmChar Wholesale, Inc., with customized engraving for a total cost of \$42,136 after trade-in of 174 existing duty weapons, because it is in the City's best interest to purchase from AmChar in order to ensure the lowest possible price per unit and high-quality custom engraving.

Mishoe added that the CPD is in the process of replacing all of their service weapons. The new guns will have MOS, will allow for the use of reflex optics, which are far more accurate and safer. AmChar is one of only two Glock authorized distributors in West Virginia, meaning that they can sell to law enforcement at a much lower price than with a bid. A trade-in was negotiated with the current in-use handguns, which lowered the original price significantly.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 813-23 approved.

- d. Resolution No. 814-23 – Receiving the Work Plan Summary of the City Center Business Improvement District, approving the proposed budget of the City Center Business Improvement District for the 2023-2024 fiscal year, and maintaining the same levying rate of annual fees for the City Center Business Improvement District on each private for-profit property owner within the District.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Work Plan Summary of the City Center Business Improvement District is received; that the proposed budget of the City Center Business Improvement District for the 2023-2024 fiscal year, as attached as Exhibit A hereto, is approved; and that, and the rate of annual fees for the City Center Business Improvement District on each private for-profit property owner within the District remains levied at the equation of (total land lot size square footage x .075) + (total building square footage x .03325).

Councilmembers Ceperley, Jenkins and Taylor spoke in favor of the resolution and the Business Improvement District.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 814-23 approved.

- e. Resolution No. 815-23 – Authorizing the Mayor or City Manager to enter into a contract with Martin Marietta Materials, Inc., to purchase various classes and sizes of aggregate stone at the prices listed in Exhibit A, attached hereto, pursuant to a competitive bidding process, where the prices will remain fixed for one year.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into a contract with Martin Marietta Materials, Inc., to purchase various classes and sizes of aggregate stone at the prices listed in Exhibit A, attached hereto, pursuant to a competitive bidding process, where the prices will remain fixed for one year.

Mishoe added that the contract will lock in prices for various aggregate stone used by Public Works for one year.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 815-23 approved.

- f. Resolution No. 816-23 – Authorizing the Mayor or City Manager to approve and execute Change Order No. 1 in the amount of \$6,443.94 for the purchase and install of three additional H4 Video Intercom security cameras for the Charleston Coliseum and Convention Center, to incorporate into the existing contract with Electronic Specialty Company in the amount of \$214,936.53 previously approved by Res. No. 728-22 on October 17, 2022, raising the total contract amount to \$221,380.47, and further authorizing the Mayor or City Manager to execute future change orders, if any, up to the full \$250,000 grant funding that was secured for this project.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to approve and execute Change Order No. 1 in the amount of \$6,443.94 for the purchase and install of three additional H4 Video Intercom security cameras for the Charleston Coliseum and Convention Center, to incorporate the contract with Electronic Specialty Company in the amount of \$214,936.53 previously approved by Res. No. 728-22 on October 17, 2022, raising the total contract amount to \$221,380.47, and further authorizing the Mayor or City Manager to execute future change orders, if any, up to the full \$250,000 grant funding that was secured for this project.

Mishoe added that it was determined that three cameras needed to be added to the existing contract that is updating security for the Convention Center. The purchase will be funded through a grant received from Homeland Security.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 816-23 approved.

- g. Resolution No. 817-23 – Authorizing the Mayor or City Manager to enter into a contract for asphalt street paving construction services, where the contract price was determined through a competitive bidding process.

Be it Resolved by the Council of the City of Charleston, West Virginia:

Following City Council's rejection of Resolution No. 809-23 on May 15, 2023, and the mutually agreed upon withdrawal of its bid by Mr. Asphalt Inc, the Mayor or City Manager is hereby authorized to enter into a contract with West Virginia Paving, Inc., in the total amount of \$3,697,100 to perform asphalt street paving construction services, where the contract price was determined through a competitive bidding process.

Mishoe added that this is a follow-up to a previous resolution that was not approved by Council. It was determined that the best option was to go to the next lowest bidder. After discussions with Mr. Asphalt, they withdrew their bid.

Councilmember Ceperley spoke in favor of the resolution.

Councilmember Taylor confirmed with Mishoe that the City does not anticipate any litigation with Mr. Asphalt.

Councilmember Jenkins confirmed that this would not delay the paving schedule.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 817-23 approved.

- h. Resolution No. 818-23 – Authorizing the Mayor or City Manager to enter into an agreement with Ed's Home and Commercial Improvement in the amount of \$91,464.58 with optional additional improvements totaling \$5,317.90 for a total maximum expenditure of \$96,782.48, to repair and replace the roof of the Cato Park Recreation Center and Administrative Building, where the contract amount was the result of a competitive bidding process.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into an agreement with Ed's Home and Commercial Improvement in the amount of \$91,464.58 with optional additional improvements totaling \$5,317.90 for a total maximum expenditure of \$96,782.48, to repair and replace the roof of the Cato Park Recreation Center and Administrative Building, where the contract amount was the result of a competitive bidding process.

Mishoe added that the resolution seeks approval for an amount higher than the winning bid as they have recommended additional improvements to improve the drainage and the Administration wanted the option if it was determined to be needed.

Councilmember Steelhammer confirmed with Mishoe that the second lowest bid was substantially more, almost double. Mishoe confirmed that the winning bid contained what the City needed with follow-up questions.

Councilmember Robinson added that he hoped the Kanawha City AC refurbishment was moving forward soon.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 818-23 approved.

- i. Resolution No. 819-23 – Authorizing the Charleston Coliseum & Convention Center / Municipal Auditorium Board (“Board”) to sign the First Addendum to the ongoing 5-year management agreement with the OVG Facilities, LLC (“OVG”), to allow for the hiring of City employees at their managed facilities rather than OVG employees in certain circumstances and only with the Board’s recommendation and City approval.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Charleston Coliseum & Convention Center / Municipal Auditorium Board (“Board”) to sign the First Addendum to the ongoing 5-year management agreement with the OVG Facilities, LLC (“OVG”), to allow for the hiring of City employees at their managed facilities rather than OVG employees in certain circumstances and only with the Board’s recommendation and City approval.

Mishoe added that there are specific but rare instances in which it would make more sense to higher a City employee rather than an OVG employee, as stated in the current contract.

Councilmember Jenkins asked what was the circumstance that inspired this change to the contract. Mishoe replied that there are a few City employees that chose not to switch to OVG at the time of the initial agreement. It was decided that since the supervisor of the Engineering Department and all its current employees were still City employees, that a recent hire should be a City employee as well. Patrick Leahy, of the Convention Center, added that pay rates would be significantly different between the two employees.

From the audience, Councilmember Pepper confirmed that this exception would not apply to stagehands, only full-time workers.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 819-23 approved.

- j. Resolution No. 820-23 – Adopting the proposed Fiscal Year 2023-2024 Parking System budget as indicated within the attached document.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the proposed Fiscal Year 2023-2024 Parking System budget as indicated within the attached document is approved.

Finance Director, Andy Wood, added that the proposed budget is overall in line with the current budget, with marginal revenue increases. Individual building revenue is declining, and expenditures are increasing, mostly due to the increase in the \$15/hr starting wage. They are currently in the process of acquiring engineering services to do reviews of all of the parking structures for the next five-year maintenance plan.

Councilmember Jenkins confirmed that the decrease in revenue for individual parking garages is due to the decrease in monthly parking vacancies.

Councilmember Taylor confirmed with Wood that all six parking garages to include the Convention Center garages.

Councilmember Jenkins confirmed with Wood any maintenance plans for the Convention Center garages with come from that budget.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 820-23 approved.

- k. Resolution No. 821-23 – Authorizing approval of Amendment No. 7 of the FY 2022-2023 General Fund Budget as indicated on the attached list of accounts.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That Amendment No. 7 of the FY 2022-2023 General Fund Budget as indicated on the attached list of accounts is approved.

Wood added that the resolution is for the final budget amendment of the fiscal year to shore up some accounts in the General Fund. The first section recognizes increases in hotel occupancy taxes. The second section distributes that to expense lines that are projected to be over budget this year. It also recognizes a reduction in the Coliseum and Convention Center operational subsidy. The amendment also recognizes transfers from the American Rescue Plan Act Fund to pay for the Summer Youth Jobs Program.

From the audience, Councilmember Solomon confirmed with Wood that the ARPA fund was put into the original allocation specifically for the Summer Youth Jobs Program as previously approved by Council.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 821-23 approved.

- I. Resolution No. 822-23 – Authorizing the Mayor or City Manager to enter into a contract with McClanahan Construction Company, LLC, in the amount of \$967,300 to perform concrete street repair construction services, where the contract price was determined pursuant to a competitive bidding process.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That the Mayor or City Manager is authorized to enter into a contract with McClanahan Construction Company, LLC, in the amount of \$967,300 to perform concrete street repair construction services, where the contract price was determined pursuant to a competitive bidding process.

Mishoe added that McClanahan Construction Company was the only bidder. There are seven concrete streets scheduled for repair.

Councilmember Robinson confirmed that the City has worked with the company before. Councilmember Robinson spoke favorably of the company.

Councilmember Annie confirmed that the project is excepted to be completed by the end of the summer.

Councilmember Taylor moved to approve the Resolution. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Resolution No. 822-23 approved.

- m. Bill No. 7994 – A BILL to amend the Municipal Code of the City of Charleston by adding thereto a new section, designated Section 2-464, within Subdivision I, Division 4 of Article VI, Chapter 2, all relating to the West Virginia Jobs Act, W. Va. Code § 21-1C-1 et seq. and its procedures, 42 C.S.R. § 37-1 et seq.

WHEREAS, the West Virginia Legislature found that the employment of persons from outside the local labor market on public improvement construction projects contracted for and subsidized by the taxpayers of the State contributes significantly to the rate of unemployment and the low per capita income among qualified state residents who would otherwise be hired for these jobs.; and

WHEREAS, the West Virginia Legislature declared that residents of local labor markets should be employed for the construction of public improvement projects which directly utilize taxpayer funding, in whole or in part; and

WHEREAS, the West Virginia Legislature enacted the West Virginia Jobs Act (“Jobs Act”), W. Va. Code § 21-1C-1 et seq., to address its concerns and further its declaration; and

WHEREAS, the West Virginia Division of Labor and Workforce West Virginia has set forth the responsibilities of public authorities and employers under the Jobs Act, 42 C.S.R. § 37-1 et seq; and

WHEREAS, the City of Charleston is in agreement with the findings and declaration of the West Virginia Legislature in the Jobs Act; and

WHEREAS, the City of Charleston recognizes its responsibilities under the Jobs Act and that by upholding those responsibilities, the purpose of the Jobs Act can be fulfilled.

NOW, therefore, be it ordained by the Council of the City of Charleston:

That the Municipal Code of the City of Charleston be amended by adding thereto a new section, designated Section 2-464, within Subdivision I, Division 4 of Article VI, Chapter 2, to read as follows:

CHAPTER 2 – ADMINISTRATION.

ARTICLE VI. – FINANCE.

DIVISION 4. – CONTRACTS AND PURCHASES.

Subdivision I. – In General.

Sec. 2-464. – West Virginia Jobs Act responsibilities for public improvement construction projects.

(a) The City shall abide by the requirements of the West Virginia Jobs Act (W. Va. Code § 21-1C-1 et seq., as amended from time to time) and its Rules (42 C.S.R. § 37-1 et

seq., as amended from time to time) which are incorporated herein by reference; and shall meet its responsibilities set forth therein.

(b) This section is only applicable to expenditures for construction projects for public improvements as defined by W. Va. Code § 21-1C-2(2) & (8) and subject to 42 C.S.R. § 37-1 et seq. A construction project is any construction, reconstruction, improvement, enlargement, painting, decorating or repair of any public improvement let to contract in an amount equal to or greater than \$500,000. It does not include temporary or emergency repairs. A public improvement includes the construction of all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, airports and all other structures that may be let to contract by a public authority, excluding improvements funded, in whole or in part, by federal funds.

(c) Pursuant to 42 C.S.R. § 37-3, the City shall include the following statements and information in the bid package when the City solicits bids for a construction project for a public improvement subject to the Act:

(1) Specifications of the employer's responsibilities under the Act as explained in 42 C.S.R. § 37-4, including, but not limited to, the requirement to employ at least 75% of employees from the local labor market, with an emphasis on, but not a requirement of, hiring employees from the City of Charleston and Kanawha County.

(2) The employer's responsibility to submit weekly certified payroll records and waiver certificates, if any, to the City; and

(3) Specification of credentials required to work on the construction project, including the employer's West Virginia Contractor License number and classification.

(d) The City shall notify the West Virginia Division of Labor as soon as possible of construction projects that are or will be covered by the Act, including the start date of the project, the project location, and contract number if available.

(e) The City shall notify the West Virginia Division of Labor at least ten (10) days in advance of all pre-bid meetings. This notification shall include dates, times, and locations.

(f) When the project begins, the City shall submit certified payroll records and waiver certificates, if any, to the West Virginia Division of Labor.

(g) The City shall monitor the employer's compliance with the construction project contract, and shall promptly notify the West Virginia Division of Labor, Workforce West Virginia, and the West Virginia Tax Department of other state agency, if applicable, of an employer's possible violations, including actions taken by the City to require the employer's compliance with its contractual obligations.

Councilmember Jenkins added that the bill puts the current State Law into the City Code. The Jobs Act encourages the contractors/vendors to hire locally for fully funded City projects.

Councilmember Taylor moved to approve the Bill. With members present recorded thereon as voting unanimously in the majority as affirmative, Chairperson Jenkins declared Bill No. 7994 approved.

Councilmember Taylor motioned to adjourn the meeting.
Meeting adjourned.